

October 5, 2004

The Honorable City Council
City of Sunnyvale
455 W. Olive Avenue
Sunnyvale, CA 94088

RE: LETTER OF APPEAL TO PLANNING COMMISSION'S DECISION
Mixed-Use Development at 560 S. Mathilda Avenue
2004-0139

To the Honorable City Council:

I am the Owner of the proposed mixed-use development at 560 S. Mathilda Avenue. My project applied for Special Development Permit and Tentative Map, both of which were denied by the Planning Commission with a 2-3 vote at the hearing held on September 27, 2004.

This is a Letter of Appeal on those actions. Below states the reason for my appeal.

To the best of my understanding, two of the Commissioners stated that the proposed project will impair the existing single-family use of adjacent properties. That was the finding that the commissioners could not make, which led them to deny the Special Development Permit and the Tentative Map.

However, as stated on page 17 in the staff report, in order to approve a Special Development Permit, only one of the two findings is required to be made. According to the staff report, that was accomplished—the proposed use *does* attain the objectives and purposes of the General Plan of the City of Sunnyvale. That led me to question the basis of their denial.

I would like to express my thoughts on the finding that the commissioners could not make:

1. According to the approved Downtown Specific Plan, development of individual lots is allowed. Consolidation of lots is encouraged—but not required. Before I submitted my application, I have tried my very best to acquire more lots next to me. Regardless of how much I was willing to offer, my neighbors on both the north and the south are not willing to sell. They chose to leave themselves isolated as single-family lots, and they remain to be inconsistent with the proposed use as stated in the Downtown Specific Plan. Rather than saying that my project impairs the existing use of the adjacent properties, the truth is that my neighbors chose to leave themselves vulnerable to any future projects that might be proposed adjacent to them. They prefer to ignore the overall city-wide development and the intention behind the Council-approved Downtown Specific Plan.
2. The Commissioners had expressed concern over the height of my proposed building. However, they had overlooked the fact that my building is well within the height limit for this block. When compared to some of the buildings on the north side of Mathilda—which easily reach 100'—my building, with living spaces at 40', is quite short indeed.
3. The Commissioners had expressed concern over the blockage of daylight into my neighbors' yards. My analysis, as presented clearly in the hearing, was that at no time will my building block any sunlight into the neighbor on the south—because the sun never travels along the north. And regarding the neighbor to my north, it is true that I

will block some of the sunlight. But that blockage will be mostly limited to the 2 hours before noon, and 2 hours after noon, when the sun is directly to the south.

4. The commissioners thought that the timing of the project is inappropriate, because currently there are two houses next to my lot. But I believe they have overlooked the fact that my proposed development is indeed quite compatible with my neighbors—we are all residential in nature. Planning staff had even worked out the privacy issues with my architect. Let's ask ourselves a few questions: Is it true that there is always a beginning to anything, such as a beginning to the Downtown Plan? When is the perfect time to kickoff the Downtown Specific Plan, if not now? Don't we need more housing, especially ownership housing (which is exactly what this project is proposing)? Will there really be a time when all the lots are available at once, and there will be no impact to any neighbors? It will be highly unlikely that we can find such an opportunity.
5. The proposed project does what the Downtown Specific Plan calls for. And Planning staff is in full support. So are the vast majority of the neighbors. I had personally walked door to door, at the blocks around me, and not only that I had not heard opposition, but I had received support for my intention to do what the City has asked for. Should the City stop a development just because two neighbors—out of hundreds—had expressed concern? Should we also respect the will of the majority of our citizens? Should we think of the big picture, rather than focusing in on two individuals? Does it sound like we are giving up a forest while we save two trees?

If you have any questions regarding my appeal, please feel free to give me a call at (650)269-7866. I look forward to witnessing the City Council take the right action and do justice to a project that offers the community high quality architecture, ownership housing, and a vibrant mix-use frontage that is truly consistent with the Specific Plan as originally envisioned by the Council. Thank you very much.

Sincerely,



Masood Syed
Owner/Applicant
Development at 560 S. Mathilda Avenue